

REMARKS

Claims 1-4, 8-17, and 19-29 are pending in the present application. Claims 5-7 and 18 have been cancelled. Claims 1, 8 and 19 are independent.

Summary of Examiner Interview

Applicants appreciate the courtesies extended to their representative, Michael R. Cammarata, on June 8, 2005. During this interview, Examiner Levitan and Mr. Cammarata discussed the Xiao and Swallow publications relative to the pending claims. Specifically, the phrase “pseudo-wire established directly over the optical connection” of claim 1 and the “tunneling ... within the optical transport frame” of claim 8 were specifically discussed. The substance of these arguments largely followed the arguments previously raised in the Reply filed December 8, 2004. It was again pointed out that neither Xiao teaches or suggests the claimed pseudo-wire established directly over the optical connection language of claim 1 or the tunneling language that tunnels within the optical transport frame of claim 8. After an extensive discussion, no agreement was reached. Nevertheless, Applicants thank Examiner Levitan for the time spent during the interview and for preparing for the interview.

Allowable Subject Matter

Applicants appreciate the Examiner’s indication that claims 19-29 are allowed and that claims 7 and 18 would be allowed if rewritten in independent form including all of the features of the base claim and any intervening claims. The above amendment accepts the Examiner’s determination of allowability by rewriting independent claim 1 to include the allowable features

of claim 7, along with the features of intervening claims 5 and 6. Furthermore, the allowable features of claim 18 have been added to claim 8. This clearly places all claims in condition for allowance, and Applicants earnestly solicit an early indication thereof in the form of a Notice of Allowance.

Remaining Rejections

First, Applicants appreciate the withdrawal of the previous specification objection and the rejection under 35 U.S.C. § 112, second paragraph. The remaining rejections are art-based rejections that are clearly overcome by the above amendments. Specifically, claims 1, 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Xiao. Furthermore, claims 8-12, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Xiao. Still further, claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Xiao. Lastly, claims 2, 3, 4, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Xiao in view of Gregg (US 6,721,335). These rejections are respectfully traversed.

As noted above, the allowable subject matter indicated by the Examiner has been incorporated into each of the rejected independent claims 1 and 8. Therefore, these rejections are clearly moot, and Applicants respectfully request reconsideration and withdrawal thereof.

Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata (Reg. No. 39,491) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 22, 2005

Respectfully submitted,

By 
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